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Paper No. 28

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In re Application of:
Bouchard, *et al.*
Application No. 08/786,937
Filed: 01/22/97
Attorney Docket No. 235299/96001

This is a decision on the renewed petition under 37 C.F.R. §1.137(b), filed on September 4, 2001, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the nonfinal office action mailed on October 24, 2000. A shortened statutory period of three months was set for replying. Petitioner attempted a reply on April 24, 2001. However, that reply (RCE) was improper because prosecution had yet to be closed on the application. Thus, with the period for replying expiring the following day, the application became abandoned on April 25, 2001.¹

All requirements for filing a petition under 37 C.F.R. §1.137(b) have been met and the application is hereby revived.

As per Petitioner's request, the correct fee for this petition will be charged to deposit account no. 03-3975.

The statement of unintentional delay presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 C.F.R. §1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

This file is being forwarded to Technology Center 1600 for review of the amendment accompanying this petition.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

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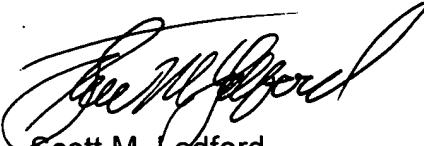
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ON PETITION

¹ See 35 U.S.C. §133, 37 C.F.R. §1.134-136.

Telephone inquiries concerning this matter may be directed to the undersigned in the Office of Petitions at (703) 306-5593.



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